IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8330 OF 2005.

Shri Kishore Narayan Bamble : Petitioner.

versus

The Union of India and ors. : Respondents.

Shri S.S.Karkera, Advocate, for the Petitioner.

Shri V.S.Masurkar, Advocate, for the Respondent No.3.

CORAM : R.M.S.KHANDEPARKAR &
NARESH H. PATIL, JJ.

DATED : 19th AUGUST 2006.

ORAL ORDER

1. Heard. The petitioner challenges the order dated 30th May 2005 passed by the Central Administrative Tribunal, Mumbai in Original Application No.97 of 2004 whereby the said application filed by the petitioner against the order of dismissal of the petitioner from the services has been dismissed under order dated 11th October 2001, which was confirmed by the Appellate Authority by its order dated 21st March 2002 and by the Revisionary Authority by its

order dated 13th January 2003. The petitioner was charge-sheeted on account of failure on his part to inform or intimate about the fact of his arrest to his immediate superior as also on account of failure to account for four parcel bags of Doha - Mumbai Foreign SAL Mail Despatch No.21 collected by him from T.M.O. A.P.Mumbai. Both the charges have been established and, for the second charge, being of the nature of grave and serious misconduct, the authorities imposed penalty of dismissal, which has been confirmed by the Appellate and Revisionary Authorities as well as CAT as stated above.

2. All the authorities have arrived at concurrent findings, after detailed scrutiny of materials on record in respect of establishment of charge of serious misconduct, particularly in relation to failure on the part of the petitioner to account for four parcel bags, referred to above. The materials on record apparently disclosed that but for interception by DRI the fact about failure to account of four parcel bags by the petitioner could not have been detected. Concurrent findings arrived at clearly disclosed that even at the time of delivery of the goods at

the addressee, the fact that the parcel, which was required to contain 117 bags, was in fact short of four bags, was not brought to the notice of the addressee and the same was suppressed. Considering the gravity of misconduct, the authorities have imposed appropriate punishment, which cannot be said to be disproportionate to the proved misconduct and, the findings regarding misconduct having been clearly borne out from the record, there is no scope of interference in writ jurisdiction. Hence the petition is rejected.

[R.M.S.KHANDEPARKAR, J]

[NARESH H. PATIL, J]